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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,714	01/06/2004	Romeo S. Linn		1713

39322 7590 07/18/2005

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EXAMINER

SEFI, BEHROOZ M

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 07/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,714

Applicant(s)

LINN ET AL.

Examiner

Behrooz Senfi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/19/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The Preliminary Amendment filed June 6th, 2005 comply to the Notice of Non-Compliant of April 26th, 2005 and the Notice of Incomplete Reply of May 28th, 2005.

2. The following are informalities that exist in the pending amended claims 23-31 (filed June 7, 2005) and in the drawings that need to be rectify prior to examination of the claims on the merit.

Guideline for drafting claims:

Current claims 23-31 are not in accordance with USPTO guidelines. See MPEP 608.01(m) and 37 CFR § 1.75 for guidance on how to draft proper form of claim and proper form of dependency. The 112 2nd paragraph rejection in this Office Action gives several examples of why claims 23-31 as currently drafted are not in conformance.

Claim 23 is relied upon as an example to further assist the applicant. Claim 23 is an improper "hybrid claim". A single claim that claims both an apparatus and the method steps of using the apparatus is indefinite under 35 § 112, 2nd ¶/2. Ex Parte Lyell, 17 USPQ2d 1548 (Bd. PA&I. 1990). In addition, claims can not include any parentheses (example, see drawings in claim 23) or double quotation e.g. ("thumb nail size" or "like" or "perfect" and etc.). Removal of these items will remedy the problem.

Furthermore, capital letter should be used only on the start of the claim. A method claim must include the steps of the method, not means of an apparatus. Using transitional words or phrases e.g. "like", "such as", "for example", etc... is considered indefinite under 35 § USC 112, 2nd ¶ and the claims will be rejected.

To further assist the applicant, Examiner cites three references (in PTO-892 form) in which applicant can look at the format and claims for guidance.

Guideline for drawings:

The standard for drawings is set forth in rule 37 CFR § 1.84. The drawings currently filed are not in conformance with this rule. Rule § 1.84 in the MPEG set forth specific guidelines that applicant needs to adhere to. The drawing objection in this Office Action gives examples of some of the problems in the drawings and highlights a few specific tips to make corrections.

37 CFR 1.84. Standards for drawings.

(a) Drawings, There are two acceptable categories for presenting drawings in utility and design patent applications.

(1) Black ink, Black and white drawings are normally required. India ink, or its equivalent that secures solid black lines, must be used for drawings; or

(2) Color, On rare occasions, color drawings may be necessary as the only practical medium by which to disclose the subject matter sought to be patented in a utility or design patent application or the subject matter of a statutory invention registration. The color drawings must be of sufficient quality such that all details in the drawings are reproducible in black and white in the printed patent.

Replacement Drawing Sheets

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or

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remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

Abstract Needs To Be Revised

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Please Note:

Correspondence via "e-mail" is not considered by the Office as Official and secure correspondence and will not be considered. All correspondence should be directed to the official fax listed below under "Contact".

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3. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent. A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 23 - 31 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure, which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Claims 23 – 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 23, claims device and also method together in a single claim. However there is no relationship or linkage between the method in claim 23 and the device as claimed. Applicant has to rewrite the claim, to two separate claims or link the methods of the claim to the device in the claim.

In claim 23, lines 2, how the “day and night cameras” is related to actual view “cameras” in the same line and “a cluster of camera” in line 6, and also how the “multiple LCD e-Mirrors” in lines 9, is related to “slim frame LCD e-Mirrors” in line 4.

Claim 24, claims “the LCD e-Mirrors of claim 23”, however claim 23 is “a driving safety view device”, how are this related. Also how the “LCD” in lines 4, and “LCD e-Mirrors” and “said LCD e-Mirrors” in lines 7, and “LCD” and “said LCD e-Mirror” in lines 9, and “said LCD e-Mirror” in lines 11 are related.

Claim 25, claims “the slim frame LCD e-Mirrors of claim 23”, however claim 23 is “a driving safety view device”, how are this related.

Claim 26, claims “the day and night owl’s eye camera of claim 23”, however claim 23 is “a driving safety view device”, how are this related.

Claim 27, the claim is not in the proper format in the manner required by 35 U.S.C. 112, second paragraph. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only.

Claim 28, claims "The front end module of claim 27", however claim 27 is "an open architecture design to shrink a camera", how are this related.

Claim 28, "a hidden anti stealing method solution" is not related to the front-end module in claim 28.

Claim 29, claims "anti stealing method solution of claim 28", however claim 28 is "The front end module", how are this related.

Claim 30, recites the limitation "said thumb nail size" in line 2, and "said owl's eye" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 31, recites the limitation "said O ring" in lines 3 – 4 and 7, and "said wiring" in line 5 and "said U shape" in line 11, in claim 31. There is insufficient antecedent basis for this limitation in the claim.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Behrooz Senfi** whose telephone number is **(571) 272-7339**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mehrdad Dastouri** can be reached on **(571) 272-7418**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

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(703) 872-9314


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relative to the status of the application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

B. M. S.



7/11/2005



VULE
PRIMARY EXAMINER